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ABSTRACT

Today all 50 states and Puerto Rico have laws relating to the employment of women; however, the standards established vary widely. This report examines employment legislation in regard to: (1) minimum wage, (2) overtime compensation, (3) hours of work, (4) equal pay, (5) fair employment practices, (6) industrial homework, (7) employment before and after childbirth, (8) occupational limitations, and (9) other standards. A history of the legislative provisions and a list of the states with the type of coverage are included. (BC)

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summary of state labor laws for women

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UNITED STATES DEPARTMENT OF LABOR
WAGE AND LABOR STANDARDS ADMINISTRATION

2

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summary of state labor laws for women

MARCH 1969

VT 010 855

UNITED STATES DEPARTMENT OF LABOR
WAGE AND LABOR STANDARDS ADMINISTRATION
WOMENS' BUREAU

2

SUMMARY OF STATE LABOR LAWS FOR WOMEN 1/

During a century of development, the field of labor legislation for women has seen a tremendous increase in the number of laws and a notable improvement in the standards established. Today the 50 States, the District of Columbia, and Puerto Rico have laws relating to the employment of women. The principal subjects of regulation are: (1) minimum wage; (2) overtime compensation; (3) hours of work, including maximum daily and weekly hours, day of rest, meal and rest periods, and nightwork; (4) equal pay; (5) fair employment practices; (6) industrial homework; (7) employment before and after childbirth; (8) occupational limitations; and (9) other standards, such as seating provisions and weightlifting limitations.

Although legislation in one or more of these fields has been enacted in all of the States, the District of Columbia, and Puerto Rico, the standards established vary widely. In some jurisdictions different standards apply to different occupations or industries. Laws relating to minors are mentioned here only if they apply also to women.

MINIMUM WAGE

A total of 36 States, the District of Columbia, and Puerto Rico have minimum wage laws with minimum rates currently in effect. These laws apply to men as well as women in 29 States, the District of Columbia, and Puerto Rico. In 7 States minimum wage laws apply only to women or to women and minors. An additional 3 States have minimum wage laws, applicable to females and/or minors, which are not in operation.

1/ As of December 1968.

In general minimum wage laws are applicable to all industries and occupations except domestic service and agriculture, which are specifically exempt in most States. The laws of 9 States--Arkansas, California, Colorado, Michigan, New Jersey, North Dakota, Utah, Washington, and Wisconsin--either set statutory minimum wage rates or permit a wage board to set minimum rates for both domestic service and agricultural workers. In Wisconsin wage orders cover both groups. The Michigan statutory rate applies to agricultural employees (except certain employees engaged in harvesting on a piecework basis) and domestic service workers, but is limited to employers of 4 or more. The Arkansas law is limited to employers of 5 or more and applies to agricultural workers, with some exceptions, whose employer used more than 500 man-days of agricultural labor in any 4 months of the preceding year. The New Jersey statutory rate applies to agricultural workers and excludes domestic service workers, but the law permits them to be covered by a wage order. California has a wage order applicable to agricultural workers, but has none for domestic service workers. The remaining 4 States--Colorado, North Dakota, Utah, and Washington--have no wage orders that apply to domestic service or agricultural workers.

Seven jurisdictions--the District of Columbia, Hawaii, Massachusetts, New Mexico, Oregon, Puerto Rico, and West Virginia--cover either domestic service or agricultural workers, but not both. West Virginia does not exclude domestic service workers as a group, but coverage is limited to employers of 6 or more. Some or all agricultural workers are covered under the minimum wage law or orders in the District of Columbia, Hawaii, Massachusetts, New Mexico, Oregon, and Puerto Rico.

Since the Federal Fair Labor Standards Act (FLSA) of 1938, as amended, establishes a minimum hourly rate for both men and women engaged in or producing goods for interstate commerce and for employees of most large retail firms and other specified establishments, as well as some workers in agriculture, State minimum wage legislation applies chiefly to workers in local trade and service industries.

Historical Record

The history of minimum wage legislation began in 1912 with the enactment of a law in Massachusetts. At that time minimum wage legislation was designed for the protection of women and minors, and did much to raise their extremely low wages in manufacturing (now covered by the FLSA) and trade and service industries. Between 1912 and 1923 laws were enacted in 15 States,2/ the District of Columbia, and Puerto Rico.

2/ One of these laws was repealed in 1919 (Nebraska); another, in 1921 (Texas).

Legislative progress was interrupted by the 1923 decision of the U.S. Supreme Court declaring the District of Columbia law unconstitutional, and no new minimum wage laws were passed during the next 10 years.

The depression years of the 1930's brought a revival of interest in minimum wage legislation, and 13 additional States and Alaska enacted laws.

In 1937 the U.S. Supreme Court upheld the constitutionality of the minimum wage law in the State of Washington, expressly reversing its prior decision on the District of Columbia law.

In 1941 Hawaii enacted a minimum wage law, bringing to 30 the number of jurisdictions with such legislation.

From 1941 through 1954 no State enacted a minimum wage law. However, there was a considerable amount of legislative activity in the States with minimum wage legislation on their statute books. In some States the laws were amended to extend coverage to men; in others, to establish or increase a statutory rate; and in still others, to strengthen the procedural provisions.

In the period 1955-66:

10 States--Delaware, Idaho, Indiana, Maryland, Michigan, New Mexico, North Carolina, Vermont, West Virginia, and Wyoming--enacted minimum wage laws for the first time, making a total of 40 jurisdictions with such laws.

7 States--Maine, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, and Washington--and the District of Columbia, with wage board laws, enacted statutory rate laws, retaining, with the exception of Maine and Oklahoma, the wage board provision. The enactments in 5 States--Maine, New Jersey, Oklahoma, Pennsylvania, and Washington--and the District of Columbia also extended coverage to men.

4 States--Kentucky, Nevada, North Dakota, and South Dakota--amended their laws to extend coverage to men.

16 States--Alaska, Connecticut, Hawaii, Idaho, Maine, Massachusetts, Nevada, New Hampshire, New Mexico, New York, North Carolina, Rhode Island, South Dakota, Vermont, Washington, and Wyoming--amended their laws one or more times to increase the statutory rates.

2 States--Massachusetts and New Jersey--and the District of Columbia amended their premium pay requirements. Massachusetts amended its minimum wage law to require the payment of not less than 1½ times an employee's regular rate for hours worked in excess of 40 a week, exempting a number of occupations and industries from the overtime provision. In New Jersey and the District of Columbia new statutory rate laws were enacted which included overtime pay requirements covering most workers.

Other amendments in a number of States affected coverage of the minimum wage laws, clarified specific provisions, or otherwise strengthened the laws.

In 1967:

1 State--Nebraska--enacted a minimum wage law for the first time, bringing to 41 the total number of jurisdictions having such laws. This law establishes a statutory rate applicable to men, women, and minors, and is limited to employers of 4 or more.

1 State--Oregon--with a wage board law applicable to women and minors, enacted a statutory rate law applicable to men and women 18 years and over.

1 State--New Hampshire--made its wage board provisions applicable to men.

1 State--Maryland--extended coverage by eliminating the exemption for employers of less than 7.

12 States--Connecticut, Delaware, Idaho, Indiana, Maine, Maryland, New Hampshire, New Mexico, Rhode Island, Vermont, Washington, and Wyoming--amended their laws to increase their statutory rates.

2 States--California and Wisconsin--with wage board laws, revised wage orders, setting a single rate for all occupations and industries.

2 States--New Mexico and Massachusetts--extended coverage to some or all agricultural workers.

1 State--Michigan--amended its minimum wage regulations to decrease allowable deductions and strengthen enforcement.

In 1968:

1 State--Arkansas--with a statutory rate law applicable to females, enacted a new law establishing a statutory rate applicable to men, women, and minors, effective January 1, 1969.

1 State--Delaware--amended its law to set a minimum rate for employees receiving gratuities.

1 State--Pennsylvania--amended its law to increase the statutory rate and to require overtime pay.

Roster of Minimum Wage Jurisdictions

The 41 jurisdictions with minimum wage legislation are:

Alaska	District of Columbia	Louisiana 3/
Arizona	Hawaii	Maine
Arkansas	Idaho	Maryland
California	Illinois 3/	Massachusetts
Colorado	Indiana	Michigan
Connecticut	Kansas 3/	Minnesota
Delaware	Kentucky	Nebraska

3/ No minimum rates in effect.

Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Puerto Rico
Rhode Island
South Dakota
Utah
Vermont
Washington
West Virginia
Wisconsin
Wyoming

Eight States, the District of Columbia, and Puerto Rico have laws that set a statutory rate and also provide for the establishment of occupation or industry rates based on recommendations of wage boards. Nineteen States have statutory rate laws only; that is, the rate is set by the legislature. Twelve States (including 3 with no minimum wage rates currently in effect) have laws that set no fixed rate but provide for minimum rates to be established on an occupation or industry basis by wage board action.

The following list shows, for the 41 jurisdictions, the type of law and employee covered:

1. Statutory rate and wage board law for:

Men, women, and minors

Connecticut
District of Columbia
Massachusetts
New Hampshire
New Jersey 4/
New York
Pennsylvania
Puerto Rico
Rhode Island
Washington 4/

2. Statutory rate law only for:

Men, women, and minors

Alaska
Arkansas (eff. 1/1/69)
Delaware
Hawaii
Idaho
Maine
Maryland
Nebraska
Nevada
New Mexico
North Carolina
(16 to 65 years)
South Dakota
(14 years and over)
Vermont
West Virginia

Men and women

Indiana (18 years and over)
Michigan (18 to 65 years)
Oklahoma (18 to 65 years)
Oregon (18 years and over)
Wyoming (18 years and over)

4/ Wage orders applicable to women and minors only.

3. Wage board law only for:

Men, women, and minors

Kentucky — North Dakota

Women and minors

Arizona — Kansas 5/ — Utah
California — Minnesota — Wisconsin
Colorado — Ohio
Illinois 5/

Females

Louisiana 5/

OVERTIME COMPENSATION

Sixteen States, the District of Columbia, and Puerto Rico have laws or regulations, usually part of the minimum wage program, that provide for overtime compensation. These generally require the payment of premium rates for hours worked in excess of a daily and/or weekly standard. Premium pay requirements are both a deterrent to excessive hours of work and an impetus to the equitable distribution of work.

Statutory Requirements

Statutes of 10 States and the District of Columbia require the payment of 1½ times the regular rate of pay after a specified number of daily and/or weekly hours. Generally these statutes are applicable to men, women, and minors. The following list of jurisdictions with statutory overtime rates shows the hours after which premium pay is required:

	Daily Standard	Weekly Standard
Alaska	8	40
Connecticut		42; 40 (7/1/69)
District of Columbia		40
Hawaii		40

5/ No minimum rates in effect.

	Daily Standard	Weekly Standard
Idaho 6/	8	48
Maine		48
Massachusetts		40
New Jersey		40
Pennsylvania		42; 40 (2/1/69)
Vermont		48
West Virginia		48

Wage Order Requirements

Wage orders issued as part of the minimum wage program in 6 States and Puerto Rico require the payment of premium rates for overtime. Generally the orders provide for payment of 1½ times, or double, either the minimum rate or the regular rate of pay for hours in excess of a daily and/or weekly standard. The following list of jurisdictions with wage orders that require overtime rates (for men, women, and minors unless otherwise indicated) shows the premium rate established and the hours after which the premium is payable. Most of the jurisdictions have issued a number of wage orders with varying standards for different occupations. The one shown is the highest standard of general application.

	Rate	Daily Standard	Weekly Standard
California 7/	1½ times the regular rate	8	40
	double the regular rate	12; 8 on 7th day	
Colorado 7/	1½ times the regular rate	8	40
Kentucky 8/	1½ times the minimum rate		44
New York	1½ times basic minimum rate		40
Oregon 7/	1½ times the minimum rate	8	40
Rhode Island	1½ times the minimum rate		45
Puerto Rico	double the regular rate	8	44

6/ The premium pay requirement is separate from the minimum wage program and is applicable only to women.

7/ Applicable to women and minors only. In California, minors under 18 limited to 8 hours a day, 6 days a week.

8/ Since the issuance of wage orders applicable to women and minors only, statutory coverage of the wage board program has been extended to men.

HOURS OF WORK

The first enforceable law regulating the hours of employment of women became effective in Massachusetts in 1879. Today 46 States, the District of Columbia, and Puerto Rico have established standards governing at least one aspect of women's hours of employment; that is, maximum daily or weekly hours, day of rest, meal and rest periods, and nightwork. Some of these standards have been established by statute; others, by minimum wage or industrial welfare order.

Maximum Daily and Weekly Hours

Forty-one States and the District of Columbia regulate the number of daily and/or weekly hours of employment for women in one or more industries. These limitations have been established either by statute or by order. Nine States--Alabama, Alaska, Delaware, Florida, Hawaii, Idaho, Indiana, Iowa, and West Virginia--and Puerto Rico do not have such laws; however, laws or wage orders in 5 of these jurisdictions--Alaska, Hawaii, Idaho, Puerto Rico, and West Virginia--require the payment of premium rates for time worked over specified hours.

Hours standards for 3 of the 41 States--Georgia, Montana, and South Carolina--are applicable to both men and women. In addition there are 3 States--New Mexico, North Carolina, and Washington--which cover men and women in some industries and women only in others.

The standard setting the fewest maximum hours which may be worked, in one or more industries, is shown for each of the 41 States and the District of Columbia.

	Maximum hours			Maximum hours	
	Daily	Weekly		Daily	Weekly
Arizona	8	48	Georgia	10	60
Arkansas	8	(9/)	Illinois	8	48
California	8	48	Kansas 10/	8	48
Colorado	8	--	Kentucky	10	60
Connecticut	8	48	Louisiana	8	48
District of Columbia	8	48	Maine	9	50
			Maryland	10	60

9/ A 6-day week limitation provides, in effect, for 48-hour workweek.

10/ Maximum hours standards set by Labor Commissioner under minimum wage program.

	Maximum hours	
	Daily	Weekly
Massachusetts -	9	48
Michigan- - - -	9	54
Minnesota - - -	--	54
Mississippi - -	10	60
Missouri- - - -	9	54
Montana - - - -	8	48
Nebraska- - - -	9	54
Nevada- - - - -	8	48
New Hampshire -	10	48
New Jersey- - -	10	54
New Mexico- - -	8	48
New York- - - -	8	48
North Carolina-	9	48
North Dakota- -	8½	48
Ohio- - - - - -	8	48
Oklahoma - - - - -	9	54
Oregon 11/ - - - -	8	40
Pennsylvania - - -	10	48
Rhode Island - - -	9	48
South Carolina - -	8	40
South Dakota - - -	10	54
Tennessee- - - - -	10	50
Texas- - - - - - -	9	54
Utah - - - - - - -	8	48
Vermont- - - - - -	9	50
Virginia - - - - -	9	48
Washington - - - -	8	48
Wisconsin- - - - -	9	50
Wyoming 12/- - - -	8	48

A brief summary of the above table shows that in one or more industries:

Two States have a maximum of 8 hours a day, 40 hours a week.

Twenty-three States and the District of Columbia have set maximum hours of 8 a day, 48 a week, or both.

Eight States have a maximum 9-hour day, 50- or 54-hour week. (This includes Michigan with an average 9-hour, maximum 10-hour, day.)

Minnesota has no daily hours limitation in its statute, but limits weekly hours to 54.

Seven States have a maximum 10-hour day, 50- to 60-hour week.

However, many of these hours laws contain exemptions or exceptions from their limitations. For example:

Work is permitted in excess of the maximum hours limitations for at least some employees in 16 States if they receive overtime compensation: Arizona, Arkansas, California, Colorado, Kansas, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Texas, Virginia, Wisconsin, and Wyoming.

11/ See footnote 10.

12/ If the 8 hours of work are spread over more than 12 hours in a day, time and a half must be paid for each of the 8 hours worked after the 12-hour period.

Four States (North Carolina, Oregon, South Carolina, Virginia) exempt workers who are paid in accordance with the overtime requirements of, or who are subject to, the Fair Labor Standards Act, the Federal minimum wage and hour law of most general application. Arizona exempts employers operating in compliance with the Fair Labor Standards Act, provided 1½ times the regular rate is paid for hours over 8 a day. California permits airline and railroad personnel and women protected by the Fair Labor Standards Act, with some industry exceptions, to work up to 10 hours a day and 58 hours a week if they are paid 1½ times their regular rate for hours over 8 a day and 40 a week. Kansas exempts most firms meeting the wage, overtime, and recordkeeping requirements of the Fair Labor Standards Act or comparable standards set by collective bargaining agreements. New Mexico exempts employees in interstate commerce whose hours are regulated by acts of Congress.

One State, Maryland, exempts employment subject to a bona fide collective bargaining agreement.

State agencies in Arkansas, Kansas, Massachusetts, Michigan, Minnesota, Oregon, Pennsylvania, and Wisconsin have broad authority to permit work in excess of the maximum hours limitations on a case-by-case basis; to vary hours restrictions by industry or occupation; or to regulate hours by requiring premium pay for overtime. Premium pay for overtime work is required by law or order regulating hours in Arkansas, Kansas, Oregon, and Wisconsin (page 9), and the minimum wage laws or orders of Massachusetts, Oregon, and Pennsylvania require premium pay for overtime work (page 7). Twenty-eight more States have specific exceptions to the hours restrictions for emergencies, seasonal peaks, national defense, and other reasons.

Some or all women employed in executive, administrative, and professional positions are exempt from hours laws limitations in 26 States and the District of Columbia.

Since 1963, 16 States (Arizona, California, Colorado, Illinois, Kansas, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New York, North Carolina, Oregon, Pennsylvania, Virginia, Washington) and the District of Columbia modified their maximum hours laws or orders one or more times to permit work beyond the limits established by the maximum hours laws under regulated conditions, to exempt additional groups of workers from hours restrictions, or to establish administrative procedures for varying hours limitations. One State, Delaware, eliminated hours restrictions altogether.

In Michigan the State Occupational Safety Standards Commission has promulgated a standard which removes the limitations on women's daily and weekly hours of work, effective February 15, 1969, subject to modification by the State legislature.

Day of Rest

Twenty States, the District of Columbia, and Puerto Rico have established a 6-day maximum workweek for women employed in some or all industries. In 8 of these jurisdictions--California, Connecticut, Illinois, Massachusetts, New Hampshire, New York, Puerto Rico, and Wisconsin--this standard is applicable to both men and women. Jurisdictions that provide for a 6-day maximum workweek are:

Arizona
Arkansas
California
Connecticut
District of Columbia
Illinois
Kansas
Louisiana
Massachusetts
Nevada
New Hampshire
New Jersey
New York
North Carolina
North Dakota
Ohio
Oregon
Pennsylvania
Puerto Rico
Utah
Washington
Wisconsin

Of the remaining 30 States, 20 have laws that prohibit specified employment or activities on Sunday:

Alabama
Florida
Georgia
Idaho
Indiana
Kentucky
Maine
Maryland
Mississippi
Missouri
New Mexico
Oklahoma
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Vermont
Virginia
West Virginia

Meal Period

Twenty-three States, the District of Columbia, and Puerto Rico provide that meal periods, varying from 20 minutes to 1 hour in duration, must be allowed women employed in some or all industries. In 3 States--Indiana, Nebraska, and New York--these provisions apply to men as well as women. Jurisdictions that provide for the length of the meal period by statute, order, or regulation are:

Arkansas
California
Colorado
District of Columbia
Indiana
Kansas
Louisiana
Maine
Maryland
Massachusetts
Nebraska
Nevada
New Mexico
New York
North Carolina
North Dakota
Ohio
Oregon
Pennsylvania
Puerto Rico
Rhode Island
Utah
Washington
West Virginia
Wisconsin

Combining rest period and meal period provisions, Kentucky requires, before and after the regularly scheduled lunch period (duration not specified), rest periods to be granted to females, and Wyoming requires two paid rest periods, one before and one after the lunch hour, to be granted to females employed in specified establishments who are required to be on their feet continuously.

Rest Period

Twelve States and Puerto Rico provide by statute or wage order for rest periods (as distinct from meal periods) for women workers. The statutes in 4 of these States--Alaska, Kentucky, Nevada, and Wyoming--cover a variety of industries (in Alaska and Wyoming applicable only to women standing continuously); laws in New York and Pennsylvania apply to elevator operators not provided with seating facilities. Rest periods in one or more industries are required by wage orders in Arizona, California, Colorado, Oregon, Utah, Washington, and Puerto Rico. Most of the provisions are for a 10-minute rest period within each half day of work. The North Dakota Manufacturing Occupation Order prohibits the employment of women for more than 2 hours without a rest period (duration not specified).

Arkansas manufacturing establishments operating on a 24-hour schedule may be exempt, when necessary, from the meal period provision if females are granted two 10-minute paid rest periods and provision is made for them to eat at their work.

Nightwork

In 18 States and Puerto Rico nightwork for adult women is prohibited and/or regulated in certain industries or occupations.

Nine States and Puerto Rico prohibit nightwork for adult women in certain occupations or industries or under specified conditions:

Connecticut	New Jersey	Puerto Rico
Kansas	New York	Washington
Massachusetts	North Dakota	
Nebraska	Ohio	

In North Dakota and Washington the prohibition applies only to elevator operators; in Ohio, only to taxicab drivers.

In 9 other States, as well as in several of the jurisdictions that prohibit nightwork in specified industries or occupations, the employment of adult women at night is regulated either by maximum hour provisions or by specified standards of working conditions. For example, in one State women and minors are limited to 8 hours a night.

California	New Mexico	Rhode Island
Illinois	Oregon	Utah
New Hampshire	Pennsylvania	Wisconsin

Arizona and the District of Columbia prohibit the employment of females under 21 years of age in night messenger service; the Arizona law also is applicable to males under 21.

EQUAL PAY

Thirty-one States have equal pay laws applicable to private employment that prohibit discrimination in rate of pay based on sex. They establish the principle of payment of a wage rate based on the job and not on the sex of the worker. Five States with no equal pay law have fair employment practices laws and the District of Columbia, an ordinance, that prohibit discrimination in rate of pay or compensation based on sex.

Historical Record

Public attention was first sharply focused on equal pay for women during World War I when large numbers of women were employed in war industries on the same jobs as men, and the National War Labor Board enforced the policy of "no wage discrimination against women on the grounds of sex." In 1919, 2 States--Michigan and Montana--enacted equal pay legislation. For nearly 25 years these were the only States with such laws.

Great progress in the equal pay field was made during World War II when again large numbers of women entered the labor force, many of them in jobs previously held by men. Government agencies, employers, unions, organizations, and the general public were concerned with the removal of wage differentials as a means of furthering the war effort.

During the period 1943-45 equal pay laws were enacted in 4 States--Illinois, Massachusetts, New York, and Washington.

In the next 4 years 6 States--California, Connecticut, Maine, New Hampshire, Pennsylvania, and Rhode Island--and Alaska passed equal pay laws.

New Jersey enacted an equal pay law in 1952. Arkansas, Colorado, and Oregon passed such legislation in 1955.

In 1957 California amended its equal pay law to strengthen existing legislation, and Nebraska adopted a resolution endorsing the policy of equal pay for equal work without discrimination based on sex and urging the adoption of this policy by all employers in the State. Hawaii, Ohio, and Wyoming passed equal pay laws in 1959.

In 1961 Wisconsin amended its fair employment practices act to prohibit discrimination because of sex and to provide that a differential in pay between employees, when based in good faith on any factor other than sex, is not prohibited.

In 1962 Arizona passed an equal pay law, and Michigan amended its law (which previously covered only manufacture or production of any article) to extend coverage to any employer of labor employing both males and females.

During 1963 Missouri enacted an equal pay law, and Vermont passed a fair employment practices law which also prohibits discrimination in rates of pay by reason of sex.

Also in 1963 the Federal Equal Pay Act was passed as an amendment to the FLSA.

In 1965, 3 States--North Dakota, Oklahoma, and West Virginia--enacted equal pay laws, and 3 States with no equal pay law--Maryland, Nebraska, and Utah--passed fair employment practices laws which prohibit discrimination in compensation based on sex. Amendments in California, Maine, New York, and Rhode Island strengthened existing equal pay laws.

In 1966, 4 States--Georgia, Kentucky, Maryland, and South Dakota--enacted equal pay laws. Massachusetts enacted a law that provides equal pay for certain civil service employees.

In 1967, 2 States--Indiana and Nebraska--enacted equal pay laws.

Roster of Equal Pay States 13/

The 31 States with equal pay laws are:

Alaska	Maine	Ohio
Arizona	Maryland	Oklahoma
Arkansas	Massachusetts	Oregon
California	Michigan	Pennsylvania
Colorado	Missouri	Rhode Island
Connecticut	Montana	South Dakota
Georgia	Nebraska	Washington
Hawaii	New Hampshire	West Virgini
Illinois	New Jersey	Wyoming
Indiana 14/	New York	
Kentucky	North Dakota	

13/ Fair employment practices acts in 5 States with no equal pay law--Idaho, Nevada, Utah, Vermont, and Wisconsin--prohibit discrimination in rate of pay or compensation based on sex. In the District of Columbia there is an ordinance prohibiting discrimination based on sex.

14/ Indiana included an equal pay provision in its amendments to the minimum wage law.

Equal pay laws in Colorado, Georgia, Indiana, Kentucky, Maryland, Montana, Nebraska, North Dakota, and Pennsylvania are applicable to public as well as private employment. (A Massachusetts law contains an elective equal pay provision, applicable to employees of cities or towns who are in the classified civil service; and a Texas law requires equal pay for women in public employment.) In 21 States the laws apply to most types of private employment; in general those specifying exemptions exclude agricultural labor and domestic service. The Illinois law applies only to manufacturing.

FAIR EMPLOYMENT PRACTICES

Title VII of the Federal Civil Rights Act of 1964 prohibits discrimination in private employment based on sex, in addition to race, color, religion, and national origin. Title VII covers private employment and labor organizations engaged in industries affecting commerce, as well as employment agencies, and applies to such employers and unions with at least 25 employees or members.

Thirty-seven States, the District of Columbia, and Puerto Rico have fair employment practices laws, but only 15 of the States and the District of Columbia include a prohibition against discrimination in employment based on sex. Prior to the enactment of title VII, the laws of only 2 States, Hawaii and Wisconsin, prohibited sex discrimination in employment.

The 37 States with fair employment practices laws are:

Alaska	Indiana	Missouri	Oklahoma 15/
Arizona	Iowa	Montana	Oregon
California	Kansas	Nebraska	Pennsylvania
Colorado	Kentucky	Nevada	Rhode Island
Connecticut	Maine	New Hampshire	Utah
Delaware	Maryland	New Jersey	Vermont
Hawaii	Massachusetts	New Mexico	Washington
Idaho	Michigan	New York	West Virginia
Illinois	Minnesota	Ohio	Wisconsin
			Wyoming

The 16 jurisdictions whose fair employment practices laws prohibit discrimination in employment based on sex are:

Arizona	Maryland	Nevada
Connecticut	Massachusetts	New York
District of Columbia	Michigan	Oklahoma 15/
Hawaii	Missouri	Utah
Idaho	Nebraska	Wisconsin
		Wyoming

15/ Effective May 16, 1969.

In 2 additional States--Alaska and Vermont--the fair employment practices law prohibits discrimination based on sex, in wages only. In a third State--Colorado--the law only prohibits discrimination based on sex in apprenticeship, on-the-job training, or other occupational instruction, training, or retraining programs.

OTHER LABOR LEGISLATION

Industrial Homework

Nineteen States and Puerto Rico have industrial homework laws or regulations:

California
Connecticut
Hawaii
Illinois
Indiana
Maryland
Massachusetts
Michigan
Missouri
New Jersey
New York
Ohio
Oregon
Pennsylvania
Puerto Rico
Rhode Island
Tennessee
Texas
West Virginia
Wisconsin

These regulations apply to all persons, except that in Oregon the provisions apply to women and minors only.

In addition, the Alaska and Washington minimum wage and hour laws authorize the issuance of rules and regulations restricting or prohibiting industrial homework where necessary to safeguard the minimum wage rate prescribed in the laws.

Employment Before and After Childbirth

Six States and Puerto Rico prohibit the employment of women in one or more industries or occupations immediately before and/or after childbirth. These standards are established by statute or by minimum wage or welfare orders. Women may not be employed in:

Connecticut----- 4 weeks before and 4 weeks after childbirth
Massachusetts--- 4 weeks before and 4 weeks after childbirth
Missouri-------- 3 weeks before and 3 weeks after childbirth
New York-------------------------- 4 weeks after childbirth
Puerto Rico----- 4 weeks before and 4 weeks after childbirth
Vermont--------- 2 weeks before and 4 weeks after childbirth
Washington------ 4 months before and 6 weeks after childbirth

In addition to the prohibition of employment, Puerto Rico requires the employer to pay the working mother half her regular wage or salary during an 8-week period and provides for job security during the required absence.

Rhode Island's Temporary Disability Insurance Act provides that women workers covered by the act who are unemployed because of sickness resulting from pregnancy are entitled to cash benefits for maternity leave for a 14-week period beginning with the sixth week prior to the week of expected childbirth, or with the week childbirth occurs if it is more than 6 weeks prior to the expected birth.

The New Jersey Temporary Disability Benefits Act provides that women workers to whom the act applies are entitled to cash payments for disability existing during the 4 weeks before and the 4 weeks after childbirth.

Also, the Oregon Mercantile Order recommends that an employer should not employ a female at any work during the 6 weeks preceding and the 4 weeks following the birth of her child, unless recommended by a licensed medical authority.

Occupational Limitations

Twenty-six States have laws or regulations that prohibit the employment of adult women in specified occupations or industries or under certain working conditions that are considered hazardous or injurious to health and safety. In 17 of these States the prohibition applies to women's employment in or about mines. (Clerical or similar work is excepted from the prohibition in about half of these States.) Ten States prohibit women from mixing, selling, or dispensing alcoholic beverages for on-premises consumption, and 1 State--Georgia--prohibits their employment in retail liquor stores. (In addition, a Florida statute authorizes the city of Tampa to prohibit females from soliciting customers to buy alcoholic beverages.)

The following States have occupational limitations applicable to:

Mines

Alabama	Maryland	Utah
Arizona	Missouri	Virginia
Arkansas	New York	Washington
Colorado	Ohio	Wisconsin
Illinois	Oklahoma	Wyoming
Indiana	Pennsylvania	

Establishments serving alcoholic beverages

Alaska	Indiana	Rhode Island
California	Kentucky	Wyoming
Connecticut	Ohio	
Illinois 16/	Pennsylvania	

16/ Illinois State law empowers city and county governments to prohibit by general ordinance or resolution.

Eleven States prohibit the employment of women in other places or occupations, or under certain conditions:

Arizona--In occupations requiring constant standing.
Colorado--Working around coke ovens.
Massachusetts--Working on cores more than 2 cubic feet or 60 pounds.
Michigan--Handling harmful substances; in foundries without approval of the Department of Labor.
Minnesota--Placing cores in or out of ovens; cleaning moving machinery.
Missouri--Cleaning or working between moving machinery.
New York--Coremaking, or in connection with coremaking, in a room in which the oven is also in operation.
Ohio--As crossing watchman, section hand, express driver, metal molder, bellhop, gas or electric meter reader; in shoeshining parlors, bowling alleys as pinsetters, poolrooms; in delivery service on motor-propelled vehicles of over 1-ton capacity; in operating freight or baggage elevators if the doors are not automatically or semiautomatically controlled; in baggage and freight handling; trucking and handling by means of handtrucks, heavy materials of any kind; in blast furnaces and smelters.
Pennsylvania--In dangerous or injurious occupations.
Washington--As a bellhop
Wisconsin--In dangerous or injurious occupations.

The majority of the States with occupational limitations for adult women also have prohibitory legislation for persons under 21 years. In addition, 10 States have occupational limitations for persons under 21 years only. Most of these limitations apply to the serving of liquor and to the driving of taxicabs, schoolbuses, or public vehicles; others prohibit the employment of females under 21 years in jobs demanding constant standing or as messengers, bellhops, or caddies.

Seating and Weightlifting

A number of jurisdictions--through statutes, minimum wage orders, and other regulations--have established employment standards for women relating to plant facilities such as seats, lunchrooms, dressing rooms, restrooms, and toilet rooms and to weightlifting. Only the seating and weightlifting provisions are included in this summary.

Seating.--Forty-five States, the District of Columbia, and Puerto Rico have seating laws or orders; all but one (the Florida law) apply exclusively to women. Delaware, Hawaii, Illinois, Maryland, and Mississippi have no seating laws or orders.

Weightlifting.--Ten States and Puerto Rico have statutes, rules, regulations, and/or orders which specify the maximum weight women employees may lift, carry, or lift and carry. Following are the standards established for weightlifting and carrying in the 11 jurisdictions. Some States have standards varying by occupation or industry and are, therefore, listed more than once.

Any occupation: "excessive weight" in Oregon; 30 pounds lifting and 15 pounds carrying in Utah; 35 percent of body weight, or 25 pounds where repetitive lifting in Alaska; 25 in Ohio; 40 in Massachusetts; 44 in Puerto Rico; 50 in California.

Foundries and core rooms: 25 pounds in Maryland, Massachusetts, Minnesota, and New York.

Specified occupations or industries (by orders): 25 pounds in California; 25 to 50 in Oregon; 35 pounds and "excessive weight" in Washington.

Women's Bureau publications on wages, hours, equal pay, and related subjects may be obtained:

At prices quoted, from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402--

State Minimum Wage Laws. Leaflet 4. April 1966. 5¢.
Analysis of Coverage and Wage Rates of State Minimum Wage Laws and Orders. August 1, 1965. Bull. 291. 1965. 40¢.
Fringe Benefit Provisions From State Minimum Wage Laws and Orders. September 1, 1966. Bull. 293. 1967. 55¢.
State Hour Laws for Women. Bull. 277. 1961. 35¢.
Equal Pay Facts. Leaflet 2. May 1966. 5¢.
1965 Handbook on Women Workers. Bull. 290. 1966. $1.00.

From the Women's Bureau, Wage and Labor Standards Administration, U.S. Department of Labor, Washington, D.C. 20210--

Labor Laws Affecting Women. (Specify State)
Labor Laws Affecting Private Household Workers. July 15, 1967.
Laws on Sex Discrimination in Employment. April 1, 1967.
What the Equal Pay Principle Means to Women. August 1966.
Weightlifting Provisions for Women by State. July 1966.
Why State Equal Pay Laws? June 1966.
Action for Equal Pay. January 1966.
Getting the Facts on Equal Pay. January 1966.

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